

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6165

BILL NUMBER: SB 35

NOTE PREPARED: Nov 16, 2012

BILL AMENDED:

SUBJECT: Recording Law Enforcement Officer Activities.

FIRST AUTHOR: Sen. Banks

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Interference While Recording Law Enforcement Activities*- The bill provides that if: (1) a person is taking a photograph or making a video recording or motion picture of a law enforcement officer while the law enforcement officer is engaged in the performance of the law enforcement officer's official duties; and (2) the law enforcement officer or another law enforcement officer interferes with the person's taking of the photograph or making of the video recording or motion picture; the law enforcement officer who interferes with the person is liable to the person in an action at law, a suit in equity, or another proper proceeding for redress of the law enforcement officer's interference. The bill provides for certain exceptions to law enforcement officer liability.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Interference While Recording Law Enforcement Activities*- The bill specifies that a law enforcement officer in violation of the bill's provision and not the officer's parent department could be held liable in a court action. Therefore, this provision would have no impact on the state with respect to the payment of legal fees or adjudicated judgements.

If an alleged violation were handled by a proper proceeding that involved the officer's parent department, there could be additional administrative time needed by that department's staff to investigate.

Explanation of State Revenues: *Interference While Recording Law Enforcement Activities*- If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General

Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Interference While Recording Law Enforcement Activities-* As explained above, this provision would have no impact on local units of government with respect to the payment of legal fees or adjudicated judgements. If an alleged violation were handled by a proper proceeding that involved the officer's parent department, there could be additional administrative time needed by that department's staff to investigate.

Explanation of Local Revenues: *Interference While Recording Law Enforcement Activities-* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected: State law enforcement agencies.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.